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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2611
Docket No.: 1363.1004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kyoung-su KIM et al.

Serial No. 09/177,815

Group Art Unit: 2611

Confirmation No. 3622

Filed: October 23, 1998

Examiner: Rueben M. BROWN

For: DIGITAL BROADCASTING RECEIVER FOR RECEIVING ANALOG BROADCASTING
AND A METHOD THEREOF

REQUEST FOR WITHDRAWAL OF FINALITY AND NEW NON-FINAL OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed July 11, 2006, and having a period for response set to expire on October 11, 2006.

Applicants respectfully submit that the outstanding Office Action should not have been made final, and respectfully request the finality of the outstanding Office Action be removed.

On page 2 of the outstanding Office Action, the Examiner has indicated that applicant's previous remarks were considered, but are moot in view of the new ground(s) of rejection.

However, applicants previously did not amend the claims, other than to correct an expected antecedent informality in claim 1.

Accordingly, as the outstanding Office Action is setting forth new grounds of rejection applicants respectfully submit that the outstanding finality is improper.

In addition, applicants further note that the Office Action issued February 27, 2006, relied upon the reference Jeon et al., U.S. Patent No. 6,014,178, while the current Office Action has departed from reliance. However, the current Office Action further indicates that applicant's

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assertion that Jeon et al. is not a proper reference under §103 is incorrect, citing MPEP 706.02(k).

Applicants thus submit that the outstanding Office Action is incorrect and thus request that new Office Action be issued correcting this statement, based upon MPEP 2146, which states that for all applications (including reissue applications), if the application is pending on or after December 10, 2004, the 2004 changes to 35 U.S.C. 103(c), which effectively include the 1999 changes, apply; "thus, the November 29, 1999 date of the prior revision to 35 U.S.C. 103(c) is no longer relevant."

Thus, it is respectfully submitted that the outstanding Office Action is in error, and respectfully request a new Office Action correcting this error.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

2/20/06

By:


Stephen T. Boughner
Registration No. 45,317

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501